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ROLAND G. RIOPELLE
MAURICE H. SERCARZ*

*ADMITTED IN NY & NJ

April 16, 2014

Via Electronic Mail

The Honorable Richard J. Sullivan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Kuo, et al. 12 CR 0121 (RJS)

Dear Judge Sullivan:

The sentencing of my client, Danny Kuo, in the above-referenced matter is presently set for May 9, 2014. I write to request an adjournment of Mr. Kuo's sentencing for approximately six weeks, to any date after June 20 that is convenient to the Court. I have spoken to AUSA Antonia Apps, and the government does not object to this application. The reasons for this application are as follows.

First, I have another sentencing scheduled in Central Islip on May 9, 2014 before the Hon. Joanna Seybert, in the matter known as United States v. Sandra Hatfield, 06 Cr. 550 (JS). The Hatfield trial was the longest criminal trial in the history of the Eastern District of New York (the record is nearly 20,000 pages), and I am in the midst of preparing the sentencing submission in that case at this time. I expect that sentencing to proceed on May 9, and, unfortunately, I simply cannot be two places at once. I expect the Hatfield sentencing proceedings to be somewhat protracted, so I do not believe I can possibly handle both Mr. Kuo's sentencing and Ms. Hatfield's sentencing on May 9, given the distance I must travel to attend the Hatfield sentencing proceedings in Central Islip. The Hatfield case is now nearly eight years old, and I respectfully request that the Court permit me to handle that sentencing before this one.

In addition, Mr. Kuo is graduating from Business School at the University of Southern California, and commencement exercises are scheduled for May 9. Because Mr. Kuo is no better than his lawyer at being in two places at once, May 9 is not a convenient day for him to be

sentenced either, and I respectfully request that the Court adjourn Mr. Kuo's sentence so that he can attend his business school graduation.

On May 19, I begin a multi-defendant trial before the Hon. George Daniels in the Southern District of New York, in the matter known as SEC v. Nelson Obus, et al., 06 Civ. 3150 (GBD). I am in the midst of preparing for that trial now, while juggling other matters such as the Hatfield and Kuo sentencing submissions, post-trial and sentencing submissions in the matter known as United States v. Bonventre, 10 Cr. 228 (LTS) (a six-month trial that I just completed last month before the Hon. Laura Taylor Swain in the Southern District of New York), and a variety of other matters. The Obus case should last two to three weeks, and that will take me into early June, when I hope to attend my daughter's graduation from college on June 6-7.

I will certainly be working on the Kuo case while I work on the other matters I have described in this letter, as well as others not worth bothering the Court with. I will get my sentencing submission to the Court well in advance of Mr. Kuo's sentencing. By no means am I dragging my feet, because Mr. Kuo does want to proceed to sentence promptly, at any time that is convenient to the Court, to him, and to his lawyer. But I do need the time requested because the press of business at this point leaves me somewhat frantic with a bottle-neck of work after a very long and arduous trial which backed up my calendar a bit, a situation which is exacerbated by having another trial close on the heels of the Bonventre matter.

For the reasons set forth herein, I respectfully request that the Court grant my request for a modest adjournment, so that my client can have the full benefit of his counsel's attention and energy in June.

Respectfully submitted,

Roland G. Riopelle

Roland G. Riopelle

cc: AUSA Antonia Apps (via e-mail)

IT IS HEREBY ORDERED THAT sentencing is adjourned to July 1, 2014 at 10:00 a.m. Defendant's submission shall be due June 13, 2014 and the government's submission shall be due June 20, 2014.

SO ORDERED
Date: 4/16/14 RICHARD J. SULLIVAN
U.S.D.J.